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EXAMINER

LEE, CHUN KUAN

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SOON DO KIM

Appeal 2015-007041
Application 13/667,597
Technology Center 2100

Before THU A. DANG, JAMES W. DEJMEK, and
JOYCE CRAIG, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–4, and 6–20. Claim 5 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellant, the invention relates to “controlling a mobile terminal on an external device basis” (Spec. ¶ 2).

B. REPRESENTATIVE CLAIM

Claims 1 is exemplary:

1. A method of controlling a mobile terminal on an external device basis, the method comprising:
 - detecting a type of a connected external device if the external device is connected to the mobile terminal; and
 - operating different data transmission methods according to the type of the connected external device,wherein the operating of the different data transmission methods comprises:
 - connecting a transceiver to the external device if the connected external device requires a high speed data transmission; and
 - connecting a Universal Serial Bus (USB) controller to the external device if the connected external device does not require the high speed data transmission.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Ritter	US 2007/0052672 A1	Mar. 8, 2007
Shih	US 2008/0270647 A1	Oct. 30, 2008
Lee	US 2009/0064202 A1	Mar. 5, 2009
Li	US 2009/0109639 A1	Apr. 30, 2009
Wang	US 7,849,238 B2	Dec. 7, 2010

Claims 1, 6–12, and 17–20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lee, Wang and Li.

Claims 2–4, 13, and 16 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lee, Wang, Li and Ritter.

Claims 14 and 15 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Lee, Wang, Li and Shih.

II. ISSUES

The principal issues before us are whether the Examiner erred in finding that Li discloses or suggests “connecting a *transceiver* to the external device *if* the connected external device *requires a high speed* data transmission;” and “connecting a Universal Serial Bus (*USB*) *controller* to the external device *if* the connected external device *does not require the high speed* data transmission” (claim 1) (emphasis added).

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Li

Li discloses a portable device, wherein Figure 1 is reproduced below:

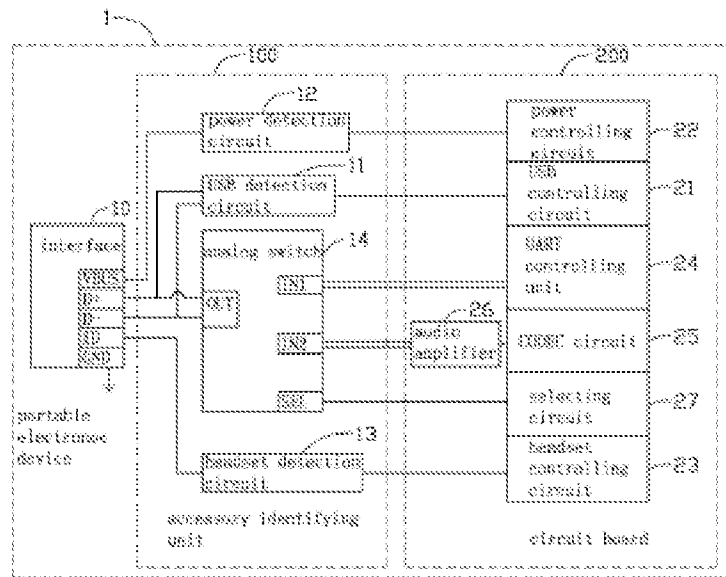


FIG. 1

Figure 1 discloses a portable electronic device 1 including an interface 10 configured to connect to different accessories; an accessory identifying unit 100; and a circuit board 200 electronically connected thereto (¶ 13). The circuit board 200 includes a USB controlling circuit 21, a power controlling circuit 22, a header controlling circuit 23 and a universal asynchronous receiver/transceiver (UART) controlling circuit 24 that are respectively configured for controlling their corresponding accessories (¶ 16).

IV. ANALYSIS

We have considered all of Appellant's arguments, but we are unpersuaded by Appellant's contentions regarding the Examiner's rejections of the claims. Based on the record before us, we find no error with the Examiner's finding that the combination of cited references teaches and suggests the claimed invention.

As to claim 1, Appellant contends “*Li* does **not** teach or suggest connecting the USB controlling circuit 21 to an external device *if the connected external device does not require high speed data transmission*” (App. Br. 4). Moreover, Appellant asserts “*Li* does **not** teach or suggest connecting a transceiver to the external device when the connected external device requires a high speed data transmission” (*id.*). In particular, Appellant contends, what *Li* teaches “is *the exact opposite* of the limitations recited” (*id.*).¹

Appellant further argues that *Li* does not teach or suggest that “each connection is made depending on whether the connected external device requires a high speed data transmission” (*id.* at 6, emphasis omitted). In particular, Appellant repeats “*Li* does not teach or suggest connecting a transceiver to the external device if the connected external device **requires a high speed data transmission,**” and “connecting a Universal Serial Bus

¹ Although Appellant contends, in *Li*, “the USB controlling circuit 21 is connected to the external device not when a high speed data transmission is required” but rather “when a high speed data transmission is **not required,**” as recited (App. Br. 5), we believe this to be a typographical error on part of Appellant. In particular, earlier in the Brief, Appellant contends that *Li* teaches the *opposite* (*id.* at 4). Thus, we believe Appellant intended to argue that in *Li*, the USB controlling circuit 21 is connected to the external device when a high speed transmission is required, not when the high speed data transmission is not required. Similarly, although Appellant contends “the **controlling component** 22 or 24 is connected to the external device **not** when a high speed data transmission is not required” but rather “when a high speed data transmission ***is required***” (*id.* at 5), we believe Appellant intended to argue that in *Li*, the controlling component 22 or 24 is connected to the external device when a high speed transmission is not required, not when the high speed data transmission is required.

(USB) controller to the external device **if** the connected external device **does not require the high speed data transmission,**” as recited (*id.*).

As a preliminary matter of claim construction, we give the claims their broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). While we interpret claims broadly but reasonably in light of the Specification, we nonetheless must not import limitations from the Specification into the claims. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (en banc).

Although Appellant contends Li does not teach or suggest “connecting the USB controlling circuit 21 to an external device if the connected external device does not require high speed data transmission” (App. Br. 4, emphasis omitted), we note that claim 1 does not require that “USB controlling circuit 21” be connected when a high speed data transmission is not required. Instead, claim 1 merely requires “a” USB “controller” be connected when a high speed data transmission is not required (claim 1). Similarly, claim 1 merely requires “a transceiver” be connected when a high speed data transmission is required (claim 1).²

² We note claim 1 does not positively require either “connecting” to a transceiver or “connecting” to a USB (claim 1). Instead, the “connecting” steps are claimed as depending on whether a condition is satisfied, i.e., “if” the connected external device “requires” (or “does not require”) a high speed data transmission (*id.*). In particular, claim 1 merely recites “*wherein*” “connecting a transceiver . . . *if* . . . requires a high speed data transmission;” and “connecting a Universal Serial Bus . . . *if* . . . does not require the high speed data transmission” (emphasis added). Because the claim specifically recites that connecting is performed “if” a condition is satisfied, the transceiver or USB may never be connected. That is, the recited “requires [or does not require] a high speed data transmission” may never happen, and thus, the connecting steps may never be performed. *See*

As the Examiner explains, in rejecting the claims as obvious over the cited references, the “claimed ‘transceiver’ is equated to Li’s USB controlling circuit (Figure 1, reference 21) for transmitting/receiving USB data” (Ans. 17). Similarly, the Examiner explains, the “claimed ‘Universal Serial Bus (USB) controller’ is equated to Li’s controlling circuit 22/24 of Figure 1, as controller circuit 22/24 [is a] controller that conforms to USB standard in order to [be] connected to the corresponding accessory on the portable electronic device via the USB interface” (*id.*) We note Appellant does not contest the Examiner’s interpretation of the claim terms “transceiver” and “USB controller” of claim 1 as explained. Based on the record before us, we are unpersuaded that the Examiner’s claim interpretation is overly broad or unreasonable.

For these reasons, we are not persuaded the Examiner erred in finding that “Li teaches/suggest[s] . . . requiring high speed data transmission . . . [when] the USB controlling circuit (Figure 1, reference 21) is selected to be connected to the connected USB accessory for controlling the transmitting

Ex parte Schulhauser, Appeal No. 2013-007847, at *9 (PTAB, April 28, 2016) (precedential) (holding:

The Examiner did not need to present evidence of the obviousness of the remaining method steps of claim 1 that are not required to be performed under a broadest reasonable interpretation of the claim (e.g., instances in which the electrocardiac signal data is not within the threshold electrocardiac criteria such that the condition precedent for the determining step and the remaining steps of claim 1 has not been met).

Here, because claim 1 does not positively require either “connecting” to a transceiver or “connecting” to a USB, the Examiner did not need to present evidence of the obviousness of the “connecting” steps.

and receiving . . . ” (Ans. 17; FF). In view of the Examiner’s broadest, reasonable interpretation of “transceiver” discussed above (Ans. 5), we agree with the Examiner’s finding that Li discloses and suggests “connecting a transceiver to the external device if the connected external device requires a high speed data transmission” (claim 1).

Similarly, we are not persuaded the Examiner erred in finding that “Li teaches/suggest[s]. . . not requiring high speed data transmission” when “the power controlling circuit (Figure 1, reference 22) is selected to be connected to the connected charger for controlling the charging of the portable electronic device . . .” or when “the UART controlling circuit (Figure 1, reference 24) is selected to be connected to the connected UART accessory for controlling the data transferring between the UART accessory and the portable electronic device . . .” (Ans. 17–18; FF). In view of the Examiner’s broadest, reasonable interpretation of “USB controller” discussed above (Ans. 5), we agree with the Examiner’s finding that Li discloses and suggests “connecting a Universal Serial Bus (USB) controller to the external device if the connected external device does not require the high speed data transmission” (claim 1).

With regard to Appellant’s argument that Li does not teach or suggest that each connection is made “depending on whether the connected external device requires a high speed data transmission” (App. Br. 6, emphasis omitted), we note that “depending on whether the connected external device requires a high speed data transmission” is not recited in the claims. Nevertheless, although Appellant clarifies such contention by repeating “[t]hat is, Li does not teach or suggest connecting a transceiver to the external device if the connected external device requires a high speed data

transmission,” and “connecting a Universal Serial Bus (USB) controller to the external device if the connected external device does not require the high speed data transmission” (*id.*), as discussed above, we agree with the Examiner’s finding that Li discloses and suggests the contested limitations.

Accordingly we affirm the rejection of claim 1, and claims 6–10 depending therefrom and falling therewith (App. Br. 6), over Lee, Wang and Li. For similar reasons, we also affirm the rejection of claim 11, which recites similar limitations and was not argued separately, as well as claims 12, and 17–20 depending therefrom, over Lee, Wang and Li. *Id.*

Appellant does not provide substantive arguments for claims 2–4, and 13–16 separate from claim 1 (App. Br. 7), and thus, we also affirm the rejection of claims 2–4, 13, and 16 over Lee, Wang, and Li in further view of Ritter; and claims 14 and 15 over Lee, Wang, and Li in further view of Shih.

V. CONCLUSION AND DECISION

We affirm the Examiner’s rejections of claims 1–4, and 6–20 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED